

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re NEWSOME.

Case No. [21-cv-04977-HSG](#)

ORDER OF DISMISSAL

Re: Dkt. No. 7

On June 29, 2022, the Court received a letter from Plaintiff Sheldon Ray Newsome addressed to Judge Tigar expressing concern with the medical care provided at California Medical Facility in Vacaville, California. Dkt. No. 1. The Court therefore opened a civil rights action under the above-captioned case number and the Clerk of the Court informed Plaintiff that this action was deficient because he had neither (1) filed a complaint on the proper form or (2) paid the \$350 filing fee or filed an application to proceed *in forma pauperis*. Dkt. Nos. 2, 3, 4, 5. The Clerk of the Court informed Plaintiff that he had twenty-eight days to correct these deficiencies or the action would be dismissed. *Id.*

On August 12, 2022, the Court received a filing from Plaintiff, titled “Plaintiff’s Motion to Dismiss the Complaint Without Prejudice / Ex Parte.” Dkt. No. 7. In this filing, Plaintiff states that he did not intend to open a civil rights action, and that his letter was intended for prison administrators and was attached without his consent to the filing that opened this action. Dkt. No. 7. Because it appears that Plaintiff did not seek to bring a new action, the Court GRANTS the motion to dismiss, Dkt. No. 7, and the Clerk of the Court is directed to administratively close this action as opened in error. Because the action was opened in error, no filing fee is due.

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This order terminates Dkt. No. 7.

IT IS SO ORDERED.

Dated: 8/31/2022


HAYWOOD S. GILLIAM, JR.
United States District Judge

United States District Court
Northern District of California